

REMARKS

Claims 15-45 are currently pending in the application. Claims 15, 26, 36 are currently amended to clarify the claimed invention as embodied in these claims without acquiescence in the cited basis for rejections or prejudice to pursue the original claims in a related application. Claims 24, 34, and 44 are currently amended to conform their claim language to that of the base claims from which claims 24, 34, and 44 depend. A complete listing of the pending claims is provided below. No new matter has been added.

I. Rejections of the Claims under 35 USC § 102

Claims 15-24, 26-34, and 36-44 stand rejected under 35 U.S.C. 102(e)(2) as being anticipate by U.S. Patent No. 6,289,335 B1 issued to Downing et al. (hereinafter Downing.) Applicants respectfully traverse.

Without acquiescence the cited basis for rejection or prejudice to pursue the original claims in a related application, the currently amended claim 15 recites the following limitations. Claims 26 and 36 also recite similar limitations.

selecting at least one of said database recovery logs to access, in which the
at least one of **the database recovery logs comprises information for
restoring the database to a specific state;**

(emphasis added.)

According to the final Office action, Downing's "order line log" in col. 7, l. 13, p. 4, Apr. 15, 2008 final Office action, and the "master log", p. 2, Apr. 15, 2008 final Office action, disclose the above claimed limitation. Applicants respectfully disagree.

Applicants respectfully submit, and the final Office action admits, that, to the extent that the final Office action considers either the "order line log" or the "master log" as disclosing the claimed limitation of "at least one of said database recovery logs", neither the order line log nor the master log discloses the claimed limitation of "the at least one of the database recovery logs comprises information for restoring the database to a specific state" because Downing does not appear to disclose recovery or restoration of the database to a

specific state. Claims 1, 26, and 36 are currently amended, without acquiescence in the cited basis for rejection or prejudice to pursue the original claims in a related application.

Therefore, Applicants respectfully submit that Downing does not disclose, teach, or suggest at least the aforementioned limitation of claims 1, 26, and 36 and thus may not be used to preclude the patentability of claims 1, 26, 36, and their respective dependent claims under 35 U.S.C. § 102 for at least the foregoing reasons.

II. Rejections of the Claims under 35 USC § 103

Claims 25, 35, and 45 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,289,335 B1 issued to Downing et al. (hereinafter Downing.) Applicants respectfully traverse.

Applicants respectfully submit that because Downing does not disclose all the claimed limitations of claims 1, 26, and 36 from which claims 25, 35, and 45 depend, Downing may not be used to preclude the patentability of claims 25, 35, and 45 under 35 U.S.C. § 103(a) for at least the foregoing reasons as presented above in subsection I.

CONCLUSION

Based on the foregoing, all claims are believed allowable, and an allowance of the claims is respectfully requested. If the Examiner has any questions or comments, the Examiner is respectfully requested to contact the undersigned at the number listed below.

Applicant(s) hereby explicitly retracts and rescinds any and all of the arguments and disclaimers presented to distinguish the prior art of record during the prosecution of all parent and related application(s)/patent(s), and respectfully requests that the Examiner re-visit the prior art that such arguments and disclaimers were made to avoid.

The Commissioner is authorized to charge any fees due in connection with the filing of this document to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **7011443001**. The Commissioner is authorized to credit any overpayment or to charge any underpayment to Vista IP Law Group's Deposit Account No. **50-1105**, referencing billing number **7011443001**.

Respectfully submitted,

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